

State of New Mexico
Environmental Improvement Board
Harold Runnels Building, Room N-2150
1190 St. Francis Drive
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Susana Martinez
Governor

Draft Agenda Meeting of the Environmental Improvement Board

**August 1, 2011
9:00 a.m.
Room 307, State Capitol Building
490 Old Santa Trail
Santa Fe, New Mexico 87501**

The following items are for discussion and possible action:

1. Roll Call
2. How Notice Requirements Were Met for the Meeting
3. Approval of Agenda
4. Public Comment Unrelated to Agenda Items
5. Approval of meeting minutes, July 11-12, 2011
6. Request for Hearing in **EIB 11-15 (R)**: Proposed Repeal of Regulation, 20.2.350 NMAC—Greenhouse Gas Cap and Trade Provisions. Louis Rose, Montgomery and Andrews; Rick Alvidrez, Miller Stratvert. Time estimate: 10 minutes

7. Request for Hearing in **EIB 11-16 (R)**: Proposed Repeal of Regulation, 20.2.100 NMAC—Greenhouse Gas Reduction Program. Louis Rose, Montgomery and Andrews; Rick Alvidrez, Miller Stratvert. Time estimate: 10 minutes
8. Request for Hearing in **EIB 11-17 (R)**: Proposed Repeal of Regulations, 20.2.300 NMAC—Reporting of Greenhouse Gas Emissions and 20.2.301—Greenhouse Gas Emissions-Verification Requirements. Louis Rose, Montgomery and Andrews. Time estimate: 10 minutes
9. Hearing and possible deliberations in **EIB 11-04 (R)**, Proposed Amendments to Air Quality Regulations 20.2.77, 20.2.78 and 20.2.82. Bill Grantham, NMED/OGC; Adam Keaster and Rita Bates, NMED/AQB. Time estimate: 30 minutes.
10. Hearing and possible deliberations in **EIB 11-07 (R)**, Proposed Revisions to the State Implementation Plan for Infrastructure of Lead National Ambient Air Quality Standard. Bill Grantham, NMED/OGC; Gail Cooke, NMED/AQB. Time estimate: 30 minutes.
11. Hearing and possible deliberations in **EIB 11-08 (R)**, Proposed Amendments to Liquid Waste Treatment and Disposal Fees. Carol Parker, NMED/OGC; Dennis McQuillan, NMED/FOB; Link Summers; Ralph Baker Dotson and Eugene Bassett, Professional Onsite Wastewater Reuse Association of New Mexico; Jace Ensor, New Mexico Onsite Wastewater Association. Time estimate: 2-4 hours.
12. Executive session to discuss pending litigation.
Stephen Vigil, NMAGO. Time estimate: 30 minutes-1 hour
 - a. Helena Chemical Co. v. NMED and N.M. Environmental Improvement Board COURT OF APPEALS No. 31,037
Appeal of EIB 10-02(A); 10-11(A). Air Quality Permit Adjudication.
 - b. City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,897
Appeal of EIB 10-04(R): Cap and Trade Provisions.

	N.M. Oil and Gas Association v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,898 Appeal of EIB 10-04(R): Cap and Trade Provisions.
	Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,899 Appeal of EIB 10-04(R): Cap and Trade Provisions.
	Southwestern Public Service Company v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,901 Appeal of EIB 10-04(R): Cap and Trade Provisions.
	Public Service Co. of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,902 Appeal of EIB 10-04(R): Cap and Trade Provisions.
	Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,907 Appeal of EIB 10-04(R): Cap and Trade Provisions.
	El Paso Electric Co. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,908 Appeal of EIB 10-04(R): Cap and Trade Provisions.
c.	N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,952 Appeal of EIB 10-09(R): Greenhouse Gas Reporting

	Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,953 Appeal of EIB 10-09(R): Greenhouse Gas Reporting
	Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,954 Appeal of EIB 10-09(R): Greenhouse Gas Reporting
d.	City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,015 Appeal of EIB 08-19(R): New Energy Economy
	Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,016 Appeal of EIB 08-19(R): New Energy Economy
	N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,017 Appeal of EIB 08-19(R): New Energy Economy
	El Paso Electric Co. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,018 Appeal of EIB 08-19(R): New Energy Economy

Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,019 Appeal of EIB 08-19(R): New Energy Economy
Public Service Co. of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,020 Appeal of EIB 08-19(R): New Energy Economy
Southwestern Public Service Company v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,021 Appeal of EIB 08-19(R): New Energy Economy
e. New Energy Economy, Inc. v. Judge Linda M. Vanzi; Public Service Co. of N.M. and N.M. Environmental Improvement Board, real parties in interest	Verified Emergency Petition for Writ of Superintending Control or Other Appropriate Writ (Sup. Ct. 33,074) Relates to COURT OF APPEALS Nos. 31,020, 30,902 and 31,191
Amigos Bravos, League of Women Voters of NM and Center of South- west Culture vs. Judge Linda M. Vanzi; Public Service Co. of N.M. and N.M. Environmental Improvement Board, real parties in interest	Verified Emergency Petition for Writ of Superintending Control or Other Appropriate Writ Relates to COURT OF APPEALS No. 31,020

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| f. | State (ex rel)
Hanosh v. N.M.
Environmental
Improvement
Board | THIRD JUDICIAL DISTRICT
D-0307-CV-200702708

Clean Car Rules |
| g. | Mesquite
Community Action
Committee v.
Hon. Michael E.
Vigil, and Helena
Chemical Co.,
NM Environment
Department,
NM Environmental
Improvement
Board. | SUPREME COURT No. 33,116

Verified Emergency Petition for Writ
of Superintending Control or Other
Appropriate Writ |

13. Other business

14. Board Member Comments and Questions

15. Next meeting—September 2, 2011

Coming up:

- a. Hearings on **October 3** in **EIB 11-06 (R)**, Proposed Revisions to 20.2.99 NMAC, Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects; **EIB 11-13 (R)**, Amendments to Petroleum Storage Tank Regulations, throughout 20.5.1--20.5.18 NMAC and proposed new Part 20.5.19; and **EIB 11-14 (R)**, Board Rulemaking Procedures, 20.1.1 NMAC.

16. Adjournment

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, contact Felicia Orth at least ten days prior to the meeting or as soon as possible at 505.827.0339 or felicia.orth@state.nm.us. Public documents can be provided in various accessible formats. Contact Felicia Orth if an accessible format is needed.